

ARGUMENT

Claims 1, 2-4, 11-40 and 44-49 remain pending in the application. Independent Claim 1 and dependent Claim 49 have been amended. New Claim 50 has been added.

The Examiner objected to Claims 1 and 49 identifying informalities which have been corrected with the foregoing amendments.

The Examiner objected to the Specification requiring that cross reference data be updated. Appropriate correction has been made by virtue of the amendment to the Specification.

The Examiner rejected both independent claims, namely Claims 1 and 40, under 35 U.S.C. 102(b) as being anticipated by Broussard (USP 1,989679) (hereinafter, “Brou”). Applicant traverses this rejection on the grounds that the reference does not show each and every element of the limitations set forth in Applicant’s claims.

Brou teaches a “casing head” as did the previous reference that was withdrawn (Burns et al., USP 2,097,615). The meaning of “casing head” in the industry is well known, moreover, it is a device that is positioned at the top of the outer casing that secures a smaller diameter pipe string therein. As an initial comment, Applicant is not teaching or claiming a casing head. Rather, Applicant teaches and claims a clamping device that is disposed somewhere in a well’s casing below the casing top or “head.” In this regard, the Applicant’s invention does not clamp to the casing, but clamps to a first pipe string disposed within the casing in order to secure another pipe string disposed within the first pipe string.

Turning to Brou specifically, “outer casing 19” is the well casing. In both Figs. 1 and 5 of Brou, the top of outer casing 19 is shown, namely in Fig. 1 at flange 28 and in Fig. 5 at flange 34. As is clearly shown in both Figs. 1 and 5, the “tubular section 11” of Brou is secured at the top or “head” of outer casing 19. This is not surprising since Brou does in fact teach a casing head clamp. In contrast, Claim 1 specifically recites that the “peripheral member” is disposed “between the larger tubular member’s first and second ends”. Since Brou teaches that the clamp is at the head of the casing, Brou does not teach or suggest this limitation. Moreover, since Brou is placing the clamping device on a well’s casing, it is physically impossible in Brou to position a clamp externally around

the well casing farther down the hole (because the well casing is cemented or secured in place to the formation itself in the open hole).

Additionally, while the clamping device of Brou applies a clamping pressure on casing 19, there is no teaching that it reduces the inner diameter of casing 19 or otherwise causes the casing 19 to plastically deform in order to squeeze and apply a pressure to another pipe string within it.

For these reasons, Brou does not teach each and every element of Applicant's Claim 1.

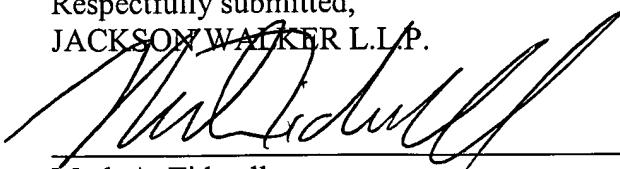
In this same vein, Brou does not teach "flexing the larger tubular member. . .to cause a restriction. . .at a desired point" and then "clamping a smaller tubular member within the larger tubular member adjacent said restriction." First, there is no teaching in Brou that the "casing 19" is deformed to a degree that is applies pressure to the inner pipe string (to the extent such a teaching is in Brou, the Examiner is respectfully requested to pinpoint such teaching). Rather, separate clamping devices (10, 11) are clamped to each pipe string (19,20). The smaller pipe string 20 is held in the larger casing 19 because the smaller pipe string 20 has a clamp on it above the head of casing 19 so that clamp 10 impinges or rests against the open top end or "head" of casing 19. Moreover, even if one could argue that casing 19 is "flexed" inward to cause a "restriction" therein as recited in Claim 40, the smaller pipe string 20 is secured above the point where clamping device 11 applies a force to casing 19, not "adjacent said restriction" as set forth in the claim. For these reasons, Brou does not teach each and every element of Applicant's Claim 40.

Applicant amended the claims to clarify the structure of the invention and to clarify the functions of the claimed invention. However, amendments have not been made to narrow the claims of the original application but, rather simply, to clarify claims due to grammar that the Examiner found unclear.

Based on the foregoing, the Examiner is respectfully requested to withdraw the rejections of independent Claims 1 and 40 and pass these claims to allowance. Likewise, since each independent claim is allowable, the Examiner is respectfully requested to pass all dependent claims to allowance as well.

If the Examiner feels that a telephone conference with the undersigned would be helpful to the allowance of this application, a telephone conference is respectfully requested.

Respectfully submitted,
JACKSON WALKER L.L.P.


Mark A. Tidwell
Reg. No. 37,456
112 E. Pecan Street, Suite 2100
San Antonio, Texas 78205-1521
Phone: (713) 752-4578
Fax: (713) 752-4221
Attorneys for Applicant

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, with sufficient postage as First Class Mail (37 CFR 1.8(a)), in an envelope addressed to Mail Stop Response/FEE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450.

Date: October 10, 2005



Renee Treider

4066427v.1